

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MARTIN O. LONG,

*

Plaintiff,

*

vs.

*

Case Number: 2:06cv816-MHT

STATE FARM FIRE AND
CASUALTY COMPANY,

*

*

Defendant.

**STATE FARM'S MOTION TO EXCLUDE THE TESTIMONY OF PLAINTIFF'S
EXPERT, ROBERT SHARP, AND TO STRIKE SHARP'S AFFIDAVIT**

COMES NOW, State Farm Fire and Casualty Company ("State Farm"), defendant in the above-styled matter, and moves this Honorable Court for an order (1) excluding Robert Sharp as an expert witness and preventing him from testifying in any way in this case; (2) striking Sharp's affidavit, relied upon by Plaintiff in opposition to State Farm's motion for a summary judgment, from the record. State Farm also moves the Court to strike and refuse to consider Sharp's opinions, testimony or affidavit in ruling on State Farm's motion for a summary judgment. As grounds in support of this motion, State Farm adopts and incorporates its memorandum filed herewith.

Respectfully submitted,

s/ James B. Newman
JAMES B. NEWMAN (NEWMJ8049)
D. ANDREW STIVENDER (STIVD4909)
Attorneys for Defendant State Farm Fire
and Casualty Company

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

F. Tucker Burge
Burge & Burge
2001 Park Place North, Suite 850
Birmingham, Alabama 35203

this 4th day of June, 2007.

s/James B. Newman
OF COUNSEL